



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,874	10/22/2001	Akihiko Hamamura	110924	7497

7590 03/23/2006
OLIFF & BERRIDGE
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

CHO, UN C

ART UNIT PAPER NUMBER

2617

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,874

Applicant(s)

HAMAMURA, AKIHIKO

Examiner

Un C. Cho

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 1-3, 7 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-6, 8-10, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/25/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on August 25th 2005 has been placed in record and considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 4 – 6 and 8 – 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Geva (US 6,366,871 B1).

Regarding claim 4, Geva discloses a wireless communication unit (Fig. 1, 12), comprising: an interface portion signally connected to a main device (physiological data input devices (main device) are connected by a wire to a

terminus (Fig. 1, 18; interface); Geva, Col. 5, lines 37 – 42); a recording portion performing non-volatile recording (RAM memory (Fig. 2B, 602); Geva, Col. 7, lines 8 – 11); a wireless communication portion performing wireless communication (radio subsystem (Fig. 2B, 500); Geva, Col. 7, lines 16 – 25); a control portion (control subsystem (Fig. 2B, 600)) transmitting information through said wireless communication portion to an external destination and generating a backup of said information in said recording portion (when the user activates an event recording mode, data is recorded in an area of RAM memory that is write-protected so that the recorded data is not overwritten; Geva, Col. 9, lines 42 – 49; and data stored in RAM memory may be transmitted immediately or at a later time to a central medical monitoring station; Geva, Col. 7, lines 8 – 11), said information being inputted from said main device to said control portion through said interface portion (information is gathered from the physiological data input devices and inputted to a monitoring device through a terminus; Geva, Col. 5, lines 37 – 42); and a mode input portion (keypad (Fig. 2B, 607)) receiving input of a manipulation by a user of setting an operation mode (Geva, Col. 8, lines 19 – 30), wherein said control portion includes, as operation modes set in said mode input portion: a communication and backup mode for transmitting and backing up said information (event recording mode can transmit information either at the beginning, during or at the conclusion of the testing and information is stored in RAM memory; Geva, Col. 8, lines 21 – 27 and Col. 9, lines 14 – 30); and a recording mode for recording said information without transmitting said

information (continuous monitoring, patient-activated event mode records information for a period of time without transmitting said information right away but at a later time if necessary; Geva, Col. 8, lines 28 – 33 and Col. 9, lines 31 – 63), wherein the wireless communication unit is a stand-alone unit (monitor (Fig. 1, 12) is a stand-alone unit capable of performing all of the above features).

Regarding claim 5, Geva discloses wherein said control portion further includes, as the operation mode set in said mode input portion, a communication mode for transmitting said information without performing the non-volatile recording of said information (when event recording is activated by the patient the data is transmitted to the central station either at the beginning, during or at the conclusion of the testing; Geva, Col. 8, lines 21 – 27).

Regarding claim 6, Geva discloses all the limitations of claim 6 including the limitation, wherein said control portion automatically deletes said backup from said recording portion after transmission of said information in said wireless communication portion is normally terminated (data stored in RAM memory may be transmitted immediately or at a later time and also RAM memory is limited data are stored in FIFO fashion; Geva, Col. 7, lines 8 – 15 and Col. 9, lines 30 – 63).

Regarding claim 8, the claim is interpreted and rejected for the same reason as set forth in claim 4.

Regarding claim 9, Geva discloses wherein said attribute information is implying write protect (Geva, Col. 9, lines 30 – 63).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Geva.

Regarding claim 10, Geva discloses a wireless communication unit, comprising an interface portion signally connected to a connector of a main device, said connector being dedicated to a recording-medium (physiological data input devices (main device) are connected by a wire to a terminus (Fig. 1, 18; interface); Geva, Col. 5, lines 37 – 42); a wireless communication portion performing wireless communication (radio subsystem (Fig. 2B, 500); Geva, Col. 7, lines 16 – 25); and a control portion (control subsystem (Fig. 2B, 600)) having a function of acquiring information to be recorded from said main device while imitating a recording operation done on said main device through said interface portion (information is gathered from the physiological data input devices and inputted to a monitoring device through a terminus; Geva, Col. 5, lines 37 – 42) and a function of transmitting said acquired information through said wireless communication portion to an external destination (Geva, Col. 7, lines 16 – 25). Even though, Geva as applied above does not specifically disclose wherein said control portion prohibits power supply from said main device to said wireless communication unit from being stopped by imitating the recording operation done

on said main device through said interface, while performing wireless communication with said wireless communication portion. It would have obvious to one of ordinary skill in the art to take preventive measures so as to prevent power failure while transmitting data during wireless communication so that the transmitted information is not corrupted when it gets to an external device.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Geva in view of Fukuoka (US 6,300,976 B1).

Regarding claim 12, Geva discloses a wireless communication unit, comprising an interface portion signally connected to a connector of a main device, said connector being dedicated to a recording-medium (physiological data input devices (main device) are connected by a wire to a terminus (Fig. 1, 18; interface); Geva, Col. 5, lines 37 – 42); a wireless communication portion performing wireless communication (radio subsystem (Fig. 2B, 500); Geva, Col. 7, lines 16 – 25); and a control portion (control subsystem (Fig. 2B, 600)) having a function of acquiring information to be recorded from said main device while imitating a recording operation done on said main device through said interface portion (information is gathered from the physiological data input devices and inputted to a monitoring device through a terminus; Geva, Col. 5, lines 37 – 42) and a function of transmitting said acquired information through said wireless communication portion to an external destination (Geva, Col. 7, lines 16 – 25).

However, Geva as applied above does not specifically disclose wherein said wireless communication unit is constituted by being divided at least into a connection unit and a body unit, said connection unit including at least said interface portion and having a size and an outer shape allowing said connection unit to be substituted with the recording-medium connected to the connector of said main device, said connector being dedicated to the recording-medium, and said body unit being signally connected to said connection unit and including at least said wireless communication portion. In an analogous art, Fukuoka discloses wherein said wireless communication unit is constituted by being divided at least into a connection unit (card connector located within the main device, Fig. 1, 17 and card connector of I/O card, Fig. 8, 40) and a body unit (I/O card, which if desired can include the functions of the memory card, Fig. 1, 15 and 16, Fukuoka, Col. 6, lines 55 - 60), said connecting unit (card connector, Fig. 1, 17) including at least said interface portion and having a size and an outer shape allowing said connection unit to be substituted with the recording-medium connected to the connector of said main device (Fig. 1), said connector being dedicated to the recording-medium, and said body unit being signally connected to said connection unit and including at least said wireless communication portion (Fukuoka, Col. 3, lines 27 – 48 and Col. 6, lines 55 - 60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Fukuoka to the system of Geva in order to

provide a more flexible and efficient electronic communication with electronic cameras.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Geva in view of Fukuoka and further in view of Palatov et al. (US 2003/0063196 A1).

Regarding claim 13, Geva in view of Fukuoka as applied above does not specifically disclose wherein said body unit includes an extension connector connectable to the recording medium; and said control portion records said information in the recording-medium connected to said body unit through said extension connector. In an analogous art, Palatov discloses wherein said body unit includes an extension connector connectable to the recording medium (card adapter, Fig. 1B, 122 configured to receive a storage card, Fig. 1B, 120); and said control portion records said information in the recording-medium connected to said body unit through said extension connector (transfer data from the portable storage device, Fig. 1B, 100 to the storage card, Fig. 1B, 120, Palatov, Page 5, Paragraph 0067, lines 4 – 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Palatov to the modified system of Geva in view of Fukuoka in order to provide a memory adapter so that the user can transfer data from a data storage card, that is used to take digital photos, to a portable storage device then the user can economically take unlimited number of digital photos without the need to frequently upload data to a desktop computer.

Response to Arguments

8. Applicant's arguments with respect to claims 4 – 6, 8 – 10 and 12 – 13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C. Cho whose telephone number is (571) 272-7919. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Un C Cho
Examiner
Art Unit 2687

3/17/06 ce


GEORGE ENG
SUPERVISORY PATENT EXAMINER